

## STATE OF ARIZONA OFFICE OF THE GOVERNOR

Douglas A. Ducey Governor **EXECUTIVE OFFICE** 

March 21, 2017

The Honorable Michele Reagan Secretary of State 1700 W. Washington, 7<sup>th</sup> Floor Phoenix, AZ 85007

## Dear Secretary Reagan:

I am transmitting to you the following bills from the Fifty-third Legislature, 1<sup>st</sup> Regular Session, which I signed on March 21, 2017:

- S.B. 1057 experienced teachers; certification
- H.B. 2025 fallen firefighter memorial; committees
- H.B. 2031 pharmacy; virtual manufacturers; virtual wholesaler
- H.B. 2039 finder fees; apartment tenants
- H.B. 2042 DHS; fingerprinting requirements
- H.B. 2072 manufactured homes; real estate transactions
- H.B. 2073 government deposits; investment; financial institutions
- H.B. 2085 sentencing document; fingerprint; misdemeanor offenses
- H.B. 2105 state fair board; continuation
- H.B. 2131 air quality compliance
- H.B. 2186 ombudsman-citizens aide; reports
- H.B. 2189 disability insurance; service coverage
- H.B. 2203 endowed-care cemeteries; unitrusts
- H.B. 2211 corrections; treatment programs; annual report
- H.B. 2237 forcible entry; detainer; prohibited rules
- H.B. 2240 alternate grand jurors; service
- H.B. 2241 victims' rights; pleading endorsements
- H.B. 2248 JTEDs; adults
- H.B. 2268 sexual assault evidence; submission; reports
- H.B. 2271 occupational licensing; military members
- H.B. 2322 franchises; mark owners; employment relationships
- H.B. 2358 dog racing; conforming changes
- H.B. 2382 pharmaceuticals; misbranding; enforcement prohibited

Sincerely,

Douglas A. Ducey

Governor

State of Arizona

cc:

Senate Secretary Chief Clerk of the House of Representatives Arizona News Service

FILED
MICHELE REAGAN
SECRETARY OF STATE

State of Arizona Senate Fifty-third Legislature First Regular Session 2017

## CHAPTER 20 SENATE BILL 1057

AN ACT

AMENDING SECTION 15-203, ARIZONA REVISED STATUTES; RELATING TO THE STATE BOARD OF EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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read:

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42 43 Be it enacted by the Legislature of the State of Arizona: Section 1. Section 15-203, Arizona Revised Statutes, is amended to

15-203. Powers and duties

- A. The state board of education shall:
- Exercise general supervision over and regulate the conduct of the public school system and adopt any rules and policies it deems necessary to accomplish this purpose.
  - 2. Keep a record of its proceedings.
  - Make rules for its own government.
  - 4. Determine the policy and work undertaken by it.
  - Subject to title 41, chapter 4, article 4, employ staff.
- 6. Prescribe and supervise the duties of its employees pursuant to title 41, chapter 4, article 4, if not otherwise prescribed by statute.
- 7. Delegate to the superintendent of public instruction execution of board policies and rules.
- 8. Recommend to the legislature changes or additions to statutes pertaining to schools.
- 9. Prepare, publish and distribute reports concerning educational welfare of this state.
- 10. Prepare a budget for expenditures necessary for proper maintenance of the board and accomplishment of its purposes and present the budget to the legislature.
  - 11. Aid in the enforcement of laws relating to schools.
- Prescribe a minimum course of study in the common schools, minimum competency requirements for the promotion of pupils from the third grade and minimum course of study and competency requirements for the promotion of pupils from the eighth grade. The state board of education shall prepare a fiscal impact statement of any proposed changes to the minimum course of study or competency requirements and, on completion, shall send a copy to the director of the joint legislative budget committee and the executive director of the school facilities board. state board of education shall not adopt any changes in the minimum course of study or competency requirements in effect on July 1, 1998 that will have a fiscal impact on school capital costs.
- 13. Prescribe minimum course of study and competency requirements for the graduation of pupils from high school. The state board of education shall prepare a fiscal impact statement of any proposed changes to the minimum course of study or competency requirements and, on completion, shall send a copy to the director of the joint legislative budget committee and the executive director of the school facilities board. The state board of education shall not adopt any changes in the minimum course of study or competency requirements in effect on July 1, 1998 that will have a fiscal impact on school capital costs.

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- Supervise and control the certification of persons engaged in instructional work directly as any classroom, laboratory or other teacher or indirectly as a supervisory teacher, speech therapist, principal or superintendent in a school district, including school district preschool or any other educational institution below the community college or university level, and prescribe rules certification, including rules for certification of teachers who have teaching experience and who are trained in other states, that are not unnecessarily restrictive and are substantially similar to the rules prescribed for the certification of teachers trained in this state. The rules:
- (a) Shall allow a variety of alternative teacher and administrator preparation programs, with variations in program sequence and design, to apply for program approval. The state board shall adopt rules pursuant to this subdivision designed to allow for a variety of formats and shall not require a prescribed answer or design from the program provider in order to obtain approval from the state board. The state board shall evaluate each program provider based on the program's ability to prepare teachers and administrators and to recruit teachers and administrators with a variety of experiences and talents. The state board shall universities under the jurisdiction of the Arizona board of regents, community colleges in this state, private postsecondary institutions licensed by this state, school districts, charter schools and professional organizations to apply for program approval and shall create application procedures and certification criteria that are less restrictive than those for traditional preparation programs. Alternative preparation program graduates shall:
- (i) Hold a bachelor's degree from an accredited postsecondary education institution.
- (ii) Demonstrate professional knowledge and subject knowledge proficiency pursuant to section 15-533.
- (iii) Obtain a fingerprint clearance card pursuant to section 15-534.
- (iv) Complete training in structured English immersion as prescribed by the state board.
- (v) Complete training in research-based systematic phonics instruction as prescribed in subdivision (b) of this paragraph.
- (vi) Demonstrate the required proficiency in the Constitutions of the United States and Arizona as prescribed in section 15-532.
- (b) Shall require applicants for all certificates for common school instruction to complete a minimum of forty-five classroom hours or three college level credit hours, or the equivalent, of training in research-based systematic phonics instruction from a public or private provider.

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- (c) Shall not require a teacher to obtain a master's degree or to take any additional graduate courses as a condition of certification or recertification.
- (d) Shall allow a general equivalency diploma to be substituted for a high school diploma in the certification of emergency substitute teachers.
- (e) Shall allow but shall not require the superintendent of a school district to obtain certification from the state board of education.
- (f) Shall provide for the issuance of a specialized teaching certificate to classroom teachers with expertise in either science, technology, engineering or mathematics. Teachers who are certified pursuant to this subdivision shall complete training in structured English immersion as prescribed by the state board. Teachers who are certified pursuant to this subdivision are exempt from the professional knowledge and subject knowledge proficiency requirements prescribed in section 15-533 and from the proficiency requirements prescribed in section 15-532 on the Constitutions of the United States and Arizona. A teacher who obtains a specialized teaching certificate pursuant to this subdivision may provide instruction in the teacher's field of expertise in grades six through twelve at any public school in this state. This subdivision does not require a teacher who has obtained another type of teaching certificate from the state board to obtain a specialized teaching certificate pursuant to this subdivision in order to provide instruction in grades six through twelve in a science, technology, engineering or mathematics course. A classroom teacher is eligible for a specialized teaching certificate pursuant to this subdivision if the teacher meets all of the following requirements:
- (i) Has taught science, technology, engineering or mathematics courses for the last two consecutive years and for a total of at least three years at one or more regionally or nationally accredited public or private postsecondary institutions. An applicant shall demonstrate compliance with this requirement by providing the state board with written proof of employment for specific durations from one or more qualifying postsecondary institutions.
- (ii) Has either a baccalaureate degree, a master's degree or a doctorate DOCTORAL degree in an academic subject that is specific to science, technology, engineering or mathematics or has obtained a passing score on a statewide educator assessment in science, technology, engineering or mathematics that is recognized by the state board.
- (iii) Obtains a valid fingerprint clearance card that is issued pursuant to title 41, chapter 12, article 3.1.
- (g) Notwithstanding section 15-533, may exempt persons applying for a secondary education certificate from the subject knowledge portion of the proficiency examination if the state board determines that the person has work experience in science, technology, engineering or mathematics and

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 can demonstrate adequate knowledge of a particular subject through a postsecondary education degree or twenty-four credit hours of relevant coursework.

- (h) Shall allow for a standard certificate issued to a person pursuant to this section to be renewed for at least eight years and may not require more than fifteen hours of continuing education credits each year in order to renew any certificate issued pursuant to this section.
- (i) SHALL ALLOW A CERTIFICATE, AND ANY ENDORSEMENT OR APPROVED AREA RELATED TO THAT CERTIFICATE, TO BE RENEWED AT LEAST TWO YEARS BUT NOT MORE THAN TEN YEARS AFTER THAT CERTIFICATE EXPIRES WITHOUT ANY OTHER REQUIREMENTS ADOPTED BY THE STATE BOARD OF EDUCATION OR THE DEPARTMENT OF EDUCATION IF THE PERSON IS IN GOOD STANDING, HAS AT LEAST TEN YEARS OF VERIFIED FULL-TIME EXPERIENCE IN THIS STATE IN THE AREA THE PERSON IS SEEKING RENEWED CERTIFICATION AND POSSESSES A VALID FINGERPRINT CLEARANCE CARD ISSUED PURSUANT TO SECTION 15-534. A CERTIFICATE RENEWED PURSUANT TO THIS SUBDIVISION SHALL BE IDENTICAL TO THE EXPIRED CERTIFICATE.
- 15. Adopt a list of approved tests for determining special education assistance to gifted pupils as defined in and as provided in chapter 7, article 4.1 of this title. The adopted tests shall provide separate scores for quantitative reasoning, verbal reasoning and nonverbal reasoning and shall be capable of providing reliable and valid scores at the highest ranges of the score distribution.
- 16. Adopt rules governing the methods for the administration of all proficiency examinations.
- 17. Adopt proficiency examinations for its use. The state board of education shall determine the passing score for the proficiency examinations.
- 18. Include within its budget the cost of contracting for the purchase, distribution and scoring of the examinations as provided in paragraphs 16 and 17 of this subsection.
- 19. Supervise and control the qualifications of professional nonteaching school personnel and prescribe standards relating to qualifications. The standards shall not require the business manager of a school district to obtain certification from the state board of education.
- 20. Impose such disciplinary action, including the issuance of a letter of censure, suspension, suspension with conditions or revocation of a certificate, on a finding of immoral or unprofessional conduct.
- 21. Establish an assessment, data gathering and reporting system for pupil performance as prescribed in chapter 7, article 3 of this title.
- 22. Adopt a rule to promote braille literacy pursuant to section 15-214.
- 23. Adopt rules prescribing procedures for the investigation by the department of education of every written complaint alleging that a certificated person has engaged in immoral conduct.

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- 24. For purposes of federal law, serve as the state board for vocational and technological education and meet at least four times each year solely to execute the powers and duties of the state board for vocational and technological education.
- 25. Develop and maintain a handbook for use in the schools of this state that provides guidance for the teaching of moral, civic and ethical education. The handbook shall promote existing curriculum frameworks and shall encourage school districts to recognize moral, civic and ethical values within instructional and programmatic educational development programs for the general purpose of instilling character and ethical principles in pupils in kindergarten programs and grades one through twelve.
- 26. Require pupils to recite the following passage from the declaration of independence for pupils in grades four through six at the commencement of the first class of the day in the schools, except that a pupil shall not be required to participate if the pupil or the pupil's parent or guardian objects:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed. . . .

- 27. Adopt rules that provide for educator certification reciprocity. The rules for issuance of a comparable reciprocal educator certificate shall include a requirement that the applicant possess a comparable valid certification from another state that included passing that state's subject knowledge and professional exams and be in good standing with that other state. An applicant who possesses a valid certification from another state and a fingerprint clearance card pursuant to section 15-534 and who is in good standing with that other state shall be issued a standard teaching certificate without any other requirements from the state board of education or the department of education. A person who is issued a certificate pursuant to this paragraph is not required to meet any requirement prescribed in section 15-533.
- 28. Adopt rules that provide for the presentation of an honorary high school diploma to a person who has never obtained a high school diploma and who meets both of the following requirements:
  - (a) Currently resides in this state.
- (b) Provides documented evidence from the department of veterans' services that the person enlisted in the armed forces of the United States and served in World War I, World War II, the Korean conflict or the Vietnam conflict.
- 29. Cooperate with the Arizona-Mexico commission in the governor's office and with researchers at universities in this state to collect data

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 and conduct projects in the United States and Mexico on issues that are within the scope of the duties of the department of education and that relate to quality of life, trade and economic development in this state in a manner that will help the Arizona-Mexico commission to assess and enhance the economic competitiveness of this state and of the Arizona-Mexico region.

- 30. Adopt rules to define and provide guidance to schools as to the activities that would constitute immoral or unprofessional conduct of certificated persons.
- 31. Adopt guidelines to encourage pupils in grades nine, ten, eleven and twelve to volunteer for twenty hours of community service before graduation from high school. A school district that complies with the guidelines adopted pursuant to this paragraph is not liable for damages resulting from a pupil's participation in community service unless the school district is found to have demonstrated wanton or reckless disregard for the safety of the pupil and other participants in community service. For the purposes of this paragraph. "community service" may include service learning. The guidelines shall include the following:
- (a) A list of the general categories in which community service may be performed.
- (b) A description of the methods by which community service will be monitored.
- (c) A consideration of risk assessment for community service projects.
- (d) Orientation and notification procedures of community service opportunities for pupils entering grade nine, including the development of a notification form. The notification form shall be signed by the pupil and the pupil's parent or guardian, except that a pupil shall not be required to participate in community service if the parent or guardian notifies the principal of the pupil's school in writing that the parent or guardian does not wish the pupil to participate in community service.
- (e) Procedures for a pupil in grade nine to prepare a written proposal that outlines the type of community service that the pupil would like to perform and the goals that the pupil hopes to achieve as a result of community service. The pupil's written proposal shall be reviewed by a faculty advisor, a guidance counselor or any other school employee who is designated as the community service program coordinator for that school. The pupil may alter the written proposal at any time before performing community service.
- (f) Procedures for a faculty advisor, a guidance counselor or any other school employee who is designated as the community service program coordinator to evaluate and certify the completion of community service performed by pupils.
- 32. To facilitate the transfer of military personnel and their dependents to and from the public schools of this state, pursue, in

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cooperation with the Arizona board of regents, reciprocity agreements with other states concerning the transfer credits for military personnel and their dependents. A reciprocity agreement entered into pursuant to this paragraph shall:

- (a) Address procedures for each of the following:
- (i) The transfer of student records.
- (ii) Awarding credit for completed coursework.
- (iii) Permitting a student to satisfy the graduation requirements prescribed in section 15-701.01 through the successful performance on comparable exit-level assessment instruments administered in another state.
- (b) Include appropriate criteria developed by the state board of education and the Arizona board of regents.
- 33. Adopt guidelines that school district governing boards shall use in identifying pupils who are eligible for gifted programs and in providing gifted education programs and services. The state board of education shall adopt any other guidelines and rules that it deems necessary in order to carry out the purposes of chapter 7, article 4.1 of this title.
- 34. For each of the alternative textbook formats of human-voiced audio, large-print and braille, designate alternative media producers to adapt existing standard print textbooks or to provide specialized textbooks, or both, for pupils with disabilities in this state. Each alternative media producer shall be capable of producing alternative textbooks in all relevant subjects in at least one of the alternative textbook formats. The board shall post the designated list of alternative media producers on its website.
- 35. Adopt a list of approved professional development training providers for use by school districts as provided in section 15-107, subsection J. The professional development training providers shall meet the training curriculum requirements determined by the state board of education in at least the areas of school finance, governance, employment, staffing, inventory and human resources, internal controls and procurement.
- 36. Adopt rules to prohibit a person who violates the notification requirements prescribed in section 15-183, subsection C, paragraph 8 or section 15-550, subsection C from certification pursuant to this title until the person is no longer charged or is acquitted of any offenses listed in section 41-1758.03, subsection B. The board shall also adopt rules to prohibit a person who violates the notification requirements, certification surrender requirements or fingerprint clearance card surrender requirements prescribed in section 15-183, subsection C, paragraph 9 or section 15-550, subsection D from certification pursuant to this title for at least ten years after the date of the violation.

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- 37. Adopt rules for the alternative certification of teachers of nontraditional foreign languages that allow for the passing of a nationally accredited test to substitute for the education coursework required for certification.
- 38. Adopt and maintain a model framework for a teacher and principal evaluation instrument that includes quantitative data on student academic progress that accounts for between thirty-three percent and fifty percent of the evaluation outcomes. The framework shall include four performance classifications, designated as highly effective, effective, developing and ineffective, and guidelines for school districts and charter schools to use in their evaluation instruments. The state board of education shall adopt best practices for professional development and evaluator training. The state board of education may periodically make adjustments to align the model framework for teacher and principal evaluations with assessment or data changes at the state level. School districts and charter schools shall use an instrument that meets the data requirements established by the state board of education to annually evaluate individual teachers and principals. School districts and charter schools shall adopt definitions for the performance classifications adopted by the state board of education in a public meeting and apply the performance classifications to their evaluation instruments in a manner designed to improve principal and teacher performance. For charter holders, the principal evaluation instrument applies to each charter school's instructional leader whose primary responsibility is to oversee the academic performance of the charter school. This paragraph does not apply to an officer, director, member or partner of the charter holder. The school district governing board shall discuss at a public meeting at least annually its aggregate performance classifications of principals and teachers.
- 39. Adopt rules to define competency-based educational pathways for college and career readiness that may be used by schools. The rules shall include the following components:
- (a) The establishment of learning outcomes that will be expected for students in a particular subject.
- (b) A process and criteria by which assessments may be identified or established to determine if students have reached the desired competencies in a particular subject.
- (c) A mechanism to allow pupils in grades seven through twelve who have demonstrated competency in a subject to immediately obtain credit for the mastery of that subject. The rules shall include a list of applicable subjects, including the level of competency required for each subject.
- 40. In consultation with the department of health services, the department of education, medical professionals, school health professionals, school administrators and an organization that represents

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school nurses in this state, adopt rules that prescribe the following for school districts and charter schools:

- (a) Annual training in the administration of auto-injectable epinephrine, as directed on the prescription protocol, for designated medical and nonmedical school personnel. The annual training prescribed in this subdivision is optional during any fiscal year in which sufficient monies are not appropriated by the legislature during that fiscal year to provide for the purchase of two juvenile doses and two adult doses of epinephrine auto-injectors at each public school in this state and if the school does not stock two juvenile doses and two adult doses of epinephrine auto-injectors at the school during that fiscal year.
- (b) Annual training for all school site personnel on the recognition of anaphylactic shock symptoms and the procedures to follow when anaphylactic shock occurs, following the national guidelines of the American academy of pediatrics. The annual training prescribed in this subdivision is optional during any fiscal year in which sufficient monies are not appropriated by the legislature during that fiscal year to provide for the purchase of two juvenile doses and two adult doses of epinephrine auto-injectors at each public school in this state and if the school does not stock two juvenile doses and two adult doses of epinephrine auto-injectors at the school during that fiscal year.
- (c) Procedures for the administration of epinephrine auto-injectors in emergency situations, as directed on the prescription protocol.
- (d) Procedures for annually requesting a standing order for epinephrine auto-injectors pursuant to section 15-157 from the chief medical officer of the department of health services, the chief medical officer of a county health department, a doctor of medicine licensed pursuant to title 32, chapter 13 or a doctor of osteopathy licensed pursuant to title 32, chapter 17.
- (e) Procedures for reporting the use of epinephrine auto-injectors to the department of health services.
  - B. The state board of education may:
  - 1. Contract.
  - 2. Sue and be sued.
- 3. Distribute and score the tests prescribed in chapter 7, article 3 of this title.
- 4. Provide for an advisory committee to conduct hearings and screenings to determine whether grounds exist to impose disciplinary action against a certificated person, whether grounds exist to reinstate a revoked or surrendered certificate and whether grounds exist to approve or deny an initial application for certification or a request for renewal of a certificate. The board may delegate its responsibility to conduct hearings and screenings to its advisory committee. Hearings shall be conducted pursuant to title 41, chapter 6, article 6.

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- 5. Proceed with the disposal of any complaint requesting disciplinary action or with any disciplinary action against a person holding a certificate as prescribed in subsection A, paragraph 14 of this section after the suspension or expiration of the certificate or surrender of the certificate by the holder.
- 6. Assess costs and reasonable attorney fees against a person who files a frivolous complaint or who files a complaint in bad faith. Costs assessed pursuant to this paragraph shall not exceed the expenses incurred by the department of education in the investigation of the complaint.
- C. Placement decisions of teaching intern certificate holders issued pursuant to subsection A, paragraph 14, subdivision (a) of this section and section 15-552 shall be based on agreements between the teacher preparation provider, the provider's partner organizations and the local education agency. The practices of the department of education and the rules and policies of the state board of education may not restrict placement of teaching intern certification holders based on local education agency instructional models and may only consider the academic quality of the school, the effectiveness of the teaching intern certification holder's on-site mentor and the opportunity for a wide variety of schools and school models to access teaching intern certification holders.

APPROVED BY THE GOVERNOR MARCH 21, 2017.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 21, 2017.

Passed the House March 9, 2017,	Passed the Senate February 6, 2017,
by the following vote: Ayes,	by the following vote: Ayes,
Nays, Not Voting	Nays, Not Voting
Speaker of the House  Chief Clerk of the House	President of the Senate  Secretary of the Senate
OFFICE O	RTMENT OF ARIZONA F GOVERNOR ed by the Governor this
day of	
at	o'clockM.
	Secretary to the Governor
at O'elock M.	
Governor of Arizona	EXECUTIVE DEPARTMENT OF ARIZONA QFFICE OF SECRETARY OF STATE
	This Bill was received by the Secretary of State
S D 1057	this day of, 20,
S.B. 1057	

Secretary of State

## SENATE CONCURS IN HOUSE AMENDMENTS AND FINAL PASSAGE

Passed the Senate March 16, 2017

by the following vote: 29 Ayes,
Not Voting  Not Voting  President of the Senate  Secretary of the Senate
EXECUTIVE DEPARTMENT OF ARIZONA OFFICE OF GOVERNOR
This Bill received by the Governor this
loth day of March, 20
ato'clockM.
Secretary to the Governor
Approved thisday of
March, 2017
at 10,00 o'clock A M.
Governor of Arizona
EXECUTIVE DEPARTMENT OF ARIZONA OFFICE OF SECRETARY OF STATE
This Bill received by the Secretary of State
this 21 day of <b>Warch</b> , 20 17
S.B. 1057  at 4:51 o'clock PM.  Michele Reagan  Secretary of State